

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-17-0039
RULES 29.1 AND 41, RULES OF)	
CRIMINAL PROCEDURE)	
)	FILED 07/28/2017
)	
)	
_____)	

ORDER

**AMENDING RULE 29.1(b) AND RULE 41, FORM 21(a) OF THE ARIZONA
RULES OF CRIMINAL PROCEDURE, ON AN EMERGENCY BASIS**

A petition having been filed seeking to amend Rule 29.1(b) and Rule 41, Form 21(a) of the Arizona Rules of Criminal Procedure, on an emergency basis, upon consideration,

IT IS ORDERED amending Rule 29.1(b) and Rule 41, Form 21(a) of the Arizona Rules of Criminal Procedure on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, as reflected in the attachments appended to this order, effective August 9, 2017. The matter shall be circulated for public comment on or before October 11, 2017.

DATED this 28th day of July, 2017.

/s/
SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-17-0039

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT A *

ARIZONA RULES OF CRIMINAL PROCEDURE

**Rule 29. RESTORATION OF CIVIL RIGHTS OR VACATION OF
CONVICTION**

Rule 29.1. Grounds and Notice

a. Probationers. [no change]

b. Sex Trafficking Victims. Under A.R.S. § 13-907.01, A a sex trafficking victim may apply to the sentencing court ~~that pronounced sentence~~ to vacate a the victim's conviction ~~of a violation of~~ under A.R.S. § 13-3214, or a conviction under a city or town ordinance that has the same or substantially similar elements, ~~as section 13-3214 if the offense was committed prior to~~ before July 24, 2014 ~~pursuant to A.R.S. § 13-907.01.~~

* Additions are shown in underline, and deletions are shown in ~~striketrough~~.

ATTACHMENT B

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 41. Forms

* * *

Form 21(a) Application to Vacate Conviction under A.R.S. § 13-907.01

_____ Court _____ County, Arizona

APPLICANT (Name/Address/Phone):	CASE NO. _____ APPLICATION	APPLICATION TO VACATE CONVICTION FOR A PRIOR OFFENSE UNDER A.R.S. § 13-907.01 AND SUPPORTING DECLARATION
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APPLICANT asks the court to vacate the conviction for the crime of Prostitution, under A.R.S. § 13-3214 or a city or town ordinance that has the same or substantially similar elements as A.R.S. § 13-3214, committed before July 24, 2014. The conviction occurred on _____ in this court. This relief is sought under A.R.S. § 13-907.01. The law provides that any person so convicted may apply to the sentencing court to vacate the conviction. The applicant is entitled to relief if the applicant can establish by clear and convincing evidence that the applicant's participation in the offense was the direct result of having been a victim of sex trafficking pursuant to A.R.S. § 13-1307.

Explain how you were a victim of sex trafficking and, as a direct result, were convicted of prostitution:

If additional information is required, you may attach additional pages on lined paper.

I state under penalty of perjury that the information I have provided on this form is true and correct.

Date: _____ Signature _____
Applicant

CERTIFICATE OF MAILING

I CERTIFY that I delivered or mailed a copy of this application to the prosecutor's office that prosecuted the case at the following address: _____

Date: _____ Signature _____
Applicant